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*Attorneys for Our Children's Earth Foundation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

OUR CHILDREN'S EARTH  
FOUNDATION, a non-profit corporation,

Plaintiff,

v.

ANDREW R. WHEELER, in his official  
capacity as the Administrator of the United  
States Environmental Protection Agency,

Defendant.

Case No. 3:19-cv-07125-WHA

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO STAY THE  
CASE PENDING PAYMENT OF  
COSTS OF LITIGATION**

Defendant Andrew R. Wheeler, in his official capacity as the Administrator of the United States Environmental Protection Agency ("EPA") and Plaintiff Our Children's Earth Foundation ("OCE") (collectively "Parties") hereby stipulate to and respectfully request that the Court enter the attached order staying this case for forty-five (45) days, to January 15, 2021.

WHEREAS on October 20, 2020, the Court entered the Parties' proposed consent decree, which provides dates by which EPA will act regarding the alleged violations of the Clean Air Act at issue in this case and which resolves all outstanding issues in this case apart from OCE's costs of litigation;

1 WHEREAS, on December 1, 2020 the parties entered into a settlement agreement  
2 resolving OCE's claim for its costs of litigation in this matter;

3 WHEREAS the aforementioned settlement agreement provides that the Parties  
4 will jointly stipulate to dismissal of this lawsuit upon EPA's payment of the agreed-upon  
5 costs of litigation;

6 WHEREAS the Parties believe that judicial economy would be served if the case is  
7 stayed for a short period of time in which to allow EPA to request, and for the U.S.  
8 Department of the Treasury to issue, the aforementioned payment of fees and costs in this  
9 matter;

10 WHEREAS the Parties jointly stipulate and respectfully request that the Court  
11 enter an order staying the case for 45 days, until January 15, 2021.

12 Dated: December 1, 2020

Respectfully Submitted,

13 /s/ Hubert T. Lee

14 HUBERT T. LEE (NY Bar #4992145)

U.S. Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

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28 *Attorney for Plaintiff*

**[PROPOSED] ORDER**

Before the Court is the Parties' Stipulation to Stay the Case Pending Payment of Costs of Litigation. Upon due consideration, and for good cause shown, the Parties' request is hereby GRANTED. It is further ordered that all deadlines in this case are now canceled and that the Parties shall now file either a stipulated dismissal or a joint status report with the Court on January 15, 2021.

PURSUANT TO STIPULATION IT IS SO ORDERED.

\_\_\_\_\_ DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
William H. Alsup  
United States District Court Judge